

REMARKS

Claims 1 and 3-10 are pending in the application. Claim 2 is cancelled and its limitation is moved to claim 1. Claims 1 and 3-10 were rejected and have been amended. None of the amended claims introduce new subject matter. Amendments to claim 1 were made to improve the grammar and clarity. Amended claim 1 is supported at page 3, lines 1-16, and page 6, lines 15-19.

35 U.S.C. § 112

Claims 8-10 were rejected under 35 U.S.C. 112, second paragraph as being indefinite in the recitation of the sections. Claims 8-10 have been amended to definitely recite the sections. In light of the amended claims, Applicants request that the rejection be reconsidered and withdrawn.

35 U.S.C. § 102

Claims 1, 2, and 4-10 were rejected under 35 U.S.C. 102(b) as being anticipated by Horn U.S. Pat. No. 5,076,210. Applicant traverses the rejection.

Claim 1 recites that a first side of the cage is provided with openings and a second side, located opposite the first side, is provided with couplings for attaching the cage to a transporter. Horn does not teach this limitation. Horn teaches a trough 21 formed by a longitudinal screen 22 held in a 'U' shape and endwalls 24, which have coupling mechanisms. Col. 3, lines 12-21. The endwalls 24 are not located opposite an apertured first side. Figs. 3 and 6. Thus, Horn does not teach each of the limitations of claim 1 and, by dependency, of any of the other claims. In view of this deficiency, Applicant requests that the rejection be reconsidered and withdrawn.

35 U.S.C. § 103

Claims 1-10 were rejected under 35 U.S.C. 102(b) or in the alternative 35 U.S. C 103(a) as being unpatentable over Jacques U.S. Pat. No. 6,041,931. Applicant traverses the rejection.

Claim 1 recites a device for shellfish farming comprising a transporter and a cage. The Examiner stated that, in this case, the transporter is considered to be a human. A human is not a

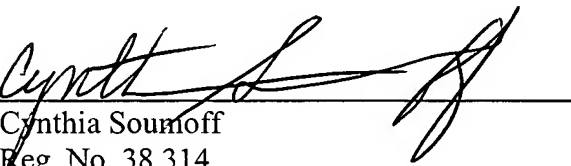
component of a device. Jacques never teaches that a human is a component of a device for shellfish farming. Therefore, Jacques does not anticipate the claims.

Furthermore, claim 1 recites a cage having a first side with openings and additional sides that are devoid of openings. Jacques teaches a container that has apertures on all sides (Abstract) and Figs. 1-5. Therefore Jacques does not anticipate the claims and does not teach or suggest modifications that would motivate the ordinary person in the art to modify the Jacques container in the manner of the present invention. In view of these deficiencies, Applicant requests that the rejection be reconsidered and withdrawn.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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Cynthia Soumoff
Reg. No. 38,314
Attorney for Applicant

MATHEWS, SHEPHERD, McKAY & BRUNEAU, P.A.
29 Thanet Road, Suite 201
Princeton, NJ 08540
Tel: 609 924 8555
Fax: 609 924 3036